

**Notice of Allowability**

Application No.

10/662,912

Applicant(s)

BRANDT ET AL.

Examiner

Art Unit

Adi Amrany

2836

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Amendment August 22, 2006.
2. ☒ The allowed claim(s) is/are 1-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on August 22, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 7,034,662 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

2. Claims 1-49 are allowed.

Applicants filed a terminal disclaimer, and, therefor, the rejection of claims 1-5, and 9-11 has been withdrawn.

Claims 6-8 were allowed, but objected to as being dependent on rejected claim 1. Claim 1 is in condition for allowance, and therefor, the objection of claims 6-8 is withdrawn. Reasons for allowance were provided in the Office Action of June 19, 2006.

Claims 13-30, 41-43 and 46-47 were allowed, and reason for allowance provided, in the previous Office Action.

Claims 31-40 were objected to because there was no support in the specification for the claimed subject matter. Applicants have amended claim 31 to recite that the power and data transfer assembly is configured to facilitate electrical communication. The objection to claims 31-40 is withdrawn.

Claims 44-45 and 48-49 were rejected under 35 U.S.C. §112(2) for being indefinite. Applicants have amended these claims to remove the indefinite phrase. The rejection of claims 44-45 and 48-49 is withdrawn.

3. The following is an examiner's statement of reasons for allowance: Claim 1 is allowable because the prior art does not teach or suggest a power and data transfer assembly comprising first and second power conductors, a third power conductor configured to conduct data and power, a neutral conductor configured to return power and conduct data in cooperation with the third conductor, and a disconnect configured to interrupt power through the first and second conductors, wherein the third power conductor and the neutral power conductor maintain one phase power and data signals to the device upon interruption of power to the first and second conductors.

Statements of allowance for independent claims 13, 26, 31, 41, and 46 were provided in the Office Action of June 19, 2006.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adi Amrany whose telephone number is (571) 272-0415. The examiner can normally be reached on weekdays, from 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

  
BURTON S. MULLINS  
PRIMARY EXAMINER